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10

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

11 L.C., a minor by and through her  
12 guardian *ad litem* Maria Cadena,  
13 individually and as successor-in-interest  
to Hector Puga; I.H., a minor by and  
14 through his guardian *ad litem* Jasmine  
Hernandez, individually and as  
successor-in-interest to Hector Puga;  
15 A.L., a minor by and through her  
guardian *ad litem* Lydia Lopez,  
16 individually and as successor-in-interest  
to Hector Puga; and ANTONIA  
17 SALAS UBALDO, individually,

18 Plaintiffs,

19 vs.

20 STATE OF CALIFORNIA; COUNTY  
21 OF SAN BERNARDINO; S.S.C., a  
nominal defendant; ISAIAH KEE;  
22 MICHAEL BLACKWOOD;  
23 BERNARDO RUBALCAVA;  
24 ROBERT VACCARI; JAKE ADAMS;  
and DOES 6-10, inclusive,

25 Defendants.

26 CASE NO. 5:22-cv-00949-KK-(SHKx)

27 *Assigned for All Purposes to:  
Hon. Kenly K. Kato – Courtroom 1*

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**THIRD STIPULATION TO  
MODIFY SCHEDULING ORDER  
AS TO EXPERT DISCOVERY BY  
TWO-WEEKS DUE TO  
LOS ANGELES FIRES**

*Trial Date: June 2, 2025  
Complaint filed: 06/07/2022  
FAC filed: 10/18/22  
SAC filed: 01/13/23  
TAC filed: 05/12/23*

Event	Prior Date	Proposed Date
Designation of Expert Witnesses	January 16, 2025	January 30, 2025
Designation of Rebuttal Expert Witnesses	January 30, 2025	February 13, 2025
Expert Discovery Cut-Off	February 20, 2025	March 6, 2025

1 Under Federal Rule of Civil Procedure 16(b)(4) and Local Rules 7-1 and 16-  
2 14, Plaintiffs L.C., a minor by and through her guardian *ad litem* Maria Cadena;  
3 I.H., a minor by and through his guardian *ad litem* Jasmine Hernandez; A.L., a  
4 minor by and through her guardian *ad litem* Lydia Lopez; and Antonia Salas Ubaldo  
5 (“Plaintiffs”) and Defendants State of California, by and through the California  
6 Highway Patrol, Michael Blackwood, Isaiah Kee, Bernardo Rubalcava (“State  
7 Defendants”), County of San Bernardino, Robert Vaccari, and Jake Adams  
8 (“County Defendants”) (collectively “Defendants”), stipulate for the purpose of  
9 jointly requesting that the honorable Court modify the Scheduling Order issued in  
10 this action. The parties seek to continue only the expert discovery dates, specifically  
11 the deadline for initial expert disclosures, rebuttal disclosures, and expert discovery  
12 cut off, by two-weeks given the emergency response and fires in Los Angeles  
13 County were the parties have experts. This brief extension is limited only to the  
14 experts and will not affect any other deadlines.

15 When an act must be done within a specified time, the court may, for good  
16 cause, extend the time with or without motion or notice if the court acts, or if a  
17 request is made, before the original time expires. Fed. R. Civ. P. 6(b)(1)(A). A  
18 scheduling order may be modified only upon a showing of good cause and by leave  
19 of Court. *Id.* 16(b)(4); *see, e.g., Johnson v. Mammoth Recreations, Inc.*, 975 F.2d  
20 604, 609 (9th Cir. 1992) (describing the factors a court should consider in ruling on  
21 such a motion). In considering whether a party moving for a schedule modification  
22 has good cause, the Court primarily focuses on the diligence of the party seeking the  
23 modification. *Johnson*, 975 F.2d at 609 (citing Fed. R. Civ. P. 16 advisory  
24 committee’s notes of 1983 amendment). “The district court may modify the pretrial  
25 schedule ‘if it cannot reasonably be met despite the diligence of the party seeking  
26 the amendment.’” *Id.* (quoting Fed. R. Civ. P. 16 advisory committee notes of 1983  
27 amendment). Good cause exists to modify the Scheduling Order because, despite the  
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1 parties' diligent efforts, they will be unable to complete discovery by the current  
2 deadline.

3 1. Plaintiffs filed their Complaint on June 7, 2022. (Dkt. No. 1).

4 2. The parties filed their Joint Rule 16(f) Report on February 13, 2023.  
5 (Dkt. No. 49).

6 3. On March 8, 2023, the Court issued a Civil Trial Scheduling Order.  
7 (Dkt. No. 57).

8 4. On May 12, 2023, Plaintiffs filed a Third Amended Complaint, the  
9 operative complaint, and the respective Defendants filed their Answers in June  
10 2023. (Dkt. Nos. 68, 70, and 72).

11 5. On November 20, 2023, by Order of the Chief Judge, the instant matter  
12 was transferred from the calendar of Judge Jesus G. Bernal to the calendar of Judge  
13 Kenly Kiya Kato. (Dkt. No. 75).

14 6. On December 7, 2023, the parties filed their Joint Case Management  
15 Statement. (Dkt. No. 78).

16 7. On December 11, 2023, despite the parties' diligent efforts in  
17 exchanging discovery, the parties filed a stipulation to modify the existing  
18 scheduling order due to issues relating to the scheduling of party depositions, an  
19 unforeseen loss of family for one of the lead counsels, as well as an anticipated  
20 Motion to Consolidate cases regarding the related (5:23-cv-00257-KK-SHK,  
21 Jonathan Wayne Botten Sr. et al. v. State of California et al. ("Botten") matter. (Dkt.  
22 No. 79).

23 8. On December 11, 2023, the Court granted the parties' stipulation and  
24 issued an amended Civil Trial Scheduling Order. This was the parties' first request  
25 for an extension of time. (Dkt. No. 80).

26 9. On May 24, 2024, the parties filed a second stipulation to modify the  
27 existing scheduling order. (Dkt. No. 84).

1       10. On June 18, 2024, the Court granted the parties' stipulation and issued  
2 an amended Civil Trial Scheduling Order. This was the parties' second request for  
3 an extension of time. (Dkt. No. 85).

4       11. As we are aware, this week, Los Angeles County experienced and  
5 continues to experience devastating fires and power outages which are impacting  
6 some of the parties' experts who reside in Los Angeles. And, at least one expert is  
7 dealing with the loss of his parents' home which was burned down by the fires this  
8 week. Given the emergency, including area-wide power outages, some experts are  
9 facing complications with finalizing their initial reports. As such, the parties have  
10 agreed to a limited two-week extension as to the experts only.

11       12. This Stipulation is the parties' third request to modify the Scheduling  
12 Order. The Court granted the parties first request on December 11, 2023, and  
13 second on June 18, 2024.

14       13. Further, given that the instant case and the *Botten* case (5:23-cv-00257-  
15 KK-SHK) are consolidated for the purposes of discovery, the parties agree that this  
16 extension applies to the expert discovery deadlines in *Botten* as well.

17       14. Accordingly, in light of the foregoing, the parties hereby stipulate that  
18 good cause exists, and jointly request that the Court modify the Scheduling Order as  
19 follows:

20 <b>Case Management Event</b>	21 <b>Prior Date/Deadline</b>	22 <b>Proposed New Date/Deadline</b>
23              Deadline for Initial Designation of 24              Expert Witnesses	25              January 16, 2025	26              January 30, 2025
27              Deadline for Designation of 28              Rebuttal Expert Witnesses	29              January 30, 2025	30              February 13, 2025
31              Expert Discovery Cut-Off	32              February 20, 2025	33              March 6, 2025

34       **IT IS SO STIPULATED.**

1 DATED: January 10, 2025

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/s/ *Amy R. Margolies*

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COUNTY OF SAN BERNARDINO

ROBERT VACCARI, and JAKE ADAMS

DATED: January 10, 2025

LAW OFFICES OF DALE K. GALIPO

/s/ *Hang D. Lee*

**Dale K. Galipo**

**Hang D. Le**

Attorneys for Plaintiffs

DATED: January 10, 2025

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and through the CHP, Blackwood, Kee, and  
Rubalcava*

\*The filer, Amy R. Margolies, hereby attests that all other signatories listed,  
and on whose behalf the filing is submitted, concur with the filing's content and  
have authorized.

DATED: January 10, 2025

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By: /s/ *Amy R. Margolies*

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